

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFF RICHARD STEWART,

Defendant.

2:23-CR-172-RFB-NJK

Preliminary Order of Forfeiture

This Court finds Jeff Richard Stewart pled guilty to Count One of a One-Count Criminal Information charging him with possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). Criminal Information, ECF No. 6; Arraignment & Plea, ECF No. 8; Plea Agreement, ECF No. 7.

This Court finds Jeff Richard Stewart agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. 6; Arraignment & Plea, ECF No. 8; Plea Agreement, ECF No. 7.

This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and the offense to which Jeff Richard Stewart pled guilty.

The following property is any visual depiction described in 18 U.S.C. § 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of 18 U.S.C. § 2252A(a)(5)(B) or any property, real or personal, used or intended to be used to commit or to promote the commission of 18 U.S.C. § 2252A(a)(5)(B) or any property

1 traceable to such property and is subject to forfeiture under 18 U.S.C. § 2253(a)(1) and
2 2253(a)(3):

- 3 1. a Hasselblad 2GB thumb drive;
- 4 2. a Lexar 16 GB thumb drive;
- 5 3. a Samsung Choice Wireless Cell Phone Model No. SCH-R740C MEID HEX
6 A00004538EFE7 MEID DEC 268435462903731431;
- 7 4. a ZTE cell phone Model No. ZTE N817 Serial No. 325776194FB8 with a San
8 Disk 16 GB micro SD card; and
- 9 5. a HP Elite Desktop Computer Model No. TPC-F046-SF Serial No.
10 MXL41513R0 with a 500 GB Seagate SATA hard drive Model No.
11 ST500DM002 Serial No. ZA425JLD

12 (all of which constitutes property).

13 This Court finds that on the government's motion, the Court may at any time enter
14 an order of forfeiture or amend an existing order of forfeiture to include subsequently
15 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

16 This Court finds the United States of America is now entitled to, and should, reduce
17 the aforementioned property to the possession of the United States of America.

18 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
19 DECREED that the United States of America should seize the aforementioned property.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
21 rights, ownership rights, and all rights, titles, and interests of Jeff Richard Stewart in the
22 aforementioned property are forfeited and are vested in the United States of America and
23 shall be safely held by the United States of America until further order of the Court.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
25 of America shall publish for at least thirty (30) consecutive days on the official internet
26 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
27 describe the forfeited property, state the times under the applicable statute when a petition
28 contesting the forfeiture must be filed, and state the name and contact information for the

1 government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).
2 Notice is served on any individual or entity on the date when it is placed in the mail,
3 delivered to a commercial carrier, or sent by electronic mail under Fed. R. Crim. P.
4 32.2(b)(6)(D) and Supplemental Rule G(4)(b)(iii)-(v).

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
6 or entity who claims an interest in the forfeited property must file a petition for a hearing to
7 adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C. §
8 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under 21
9 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the
10 petitioner's right, title, or interest in the property, the time and circumstances of the
11 petitioner's acquisition of the right, title or interest in the property, any additional facts
12 supporting the petitioner's claim, and the relief sought.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
14 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
15 Nevada 89101, within thirty (30) days of the final publication of notice on the official
16 internet government forfeiture site, www.forfeiture.gov, or his receipt of written notice,
17 whichever is earlier.


18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
19 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
20 Attorney's Office at the following address at the time of filing:

21 Daniel D. Hollingsworth
22 Assistant United States Attorney
23 Misty L. Dante
24 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
26 described herein need not be published in the event a Declaration of Forfeiture is issued by
27 the appropriate agency following publication of notice of seizure and intent to
28 administratively forfeit the above-described property.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED 11/2, 2023.

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6 RICHARD F. BOULWARE, II
7 UNITED STATES DISTRICT JUDGE
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